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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 23, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 11KD-019

Kauai

Issuance of Revocable Permit to Donna Nunes-Hoopii for Residential Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-011:010.

APPLICANT:

Donna Nunes-Hoopii, Married, as Tenant in Severalty.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaa situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-5-011:010, as shown on the attached map labeled Exhibit A.

AREA:

8,275 square feet, more or less.

ZONING:

State Land Use District:	Urban
County of Kauai CZO:	Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ☐ NO ☒

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Residential purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

To be determined by staff appraiser, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Item No. 5 that states "Routine and emergency repair and restoration of existing structures and facilities on state lands involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Applicant is not operating a business and, as such, is not required to register with DCCA.

REMARKS:

On July 13, 1973, under Item F-1-f, the Board of Land and Natural Resources approved the issuance of a residential purpose Revocable Permit No. S-4974 to Eloise K. Oclit.

Construction plans were approved by the Chairperson on June 28, 1988 for a single-family residence already being constructed at the subject property. This approval was granted with a clear understanding that the new dwelling occupancy would be on a month-to-month basis.

Also, it was agreed that if the permit was cancelled for legitimate causes in the future, the tenant at no cost to the State of Hawaii, would vacate the premises and remove the dwelling.

Eloise K. Oclit held Revocable Permit S-4974 in tenancy as an individual. After her death on December 24, 2003, Mrs. Oclit's spouse, Fendel Oclit (who constructed the dwelling) requested to continue to reside on the premises with his children. Attempts were made to issue a new revocable permit to Mr. Oclit but he was unable to comply with State and County tax clearance requirements. Mr. Oclit passed away in October 2010.

Although a new permit was never issued, the Oclit family continued to reside at the location, maintaining monthly rent and the required insurance policies.

A site inspection was conducted upon receipt of Ms. Nunes-Hoopii's application. Due to the aforementioned findings and the fact that Mrs. Oclit's revocable permit could not be assigned to any of her children, approval was obtained from the Chairperson to serve a notice to vacate. The notice gave the occupants forty-five days to remove their belongings, clean and vacate the premises. On April 5, 2011 staff conducted a follow up inspection and it was found that all parties complied with the notice-to-vacate. Staff secured the structures to prevent future unauthorized entry and use.

Staff requested the Kauai County's Planning Department and Zoning Enforcement to have the property inspected in order to verify that all structures are permitted and compliant with County Building Code. Ms. Nunes-Hoopii understands that if any of the structures are identified to be un-permitted and cannot obtain an after-the-fact building permit, she will be responsible for all costs associated with their demolition and removal.

Staff did further research on the property and found that the subject allege illegal structure was existing in record dated prior to 1957 at the County of Kauai, Real Property Assessment Division. On March 21, 1940 General Lease 2802 was issued to Wong Fear of Kapaa. On December 1, 1942 General Lease 2951 was issued to Kwock Hung Young. Territory of Hawaii Map, Block Q, Carton 5-B dated October 7, 1940 show two dwelling existed on the property. Also Mr. Fendel Oclit did acquire permit no.11475 on February 13, 1978 for a garage addition. (See Exhibit B1 to B6)

Therefore, the structures on the premises did exist during leases by the State in the 1940's and was not considered by the Territory of Hawaii and the County of Kauai to be un-permitted structures and the recent structure was permitted.

The only issue will be compliance with the County of Kauai, Planning Department setback requirement of the structure approved by the Chairperson on June 28, 1988. The applicant shall at there own cost obtain a License Land Survey to determine and report on the subject property boundaries and the location of the structure.

Applicant has not had a lease, permit, easement or other disposition of State lands

terminated within the last five years due to non-compliance with such terms and conditions.

A month-to-month revocable permit is being requested at this time to allow for occupancy of the property and the main residence. Recently, the town of Kapaa has seen an increase in the homeless population, therefore by having a tenant on the State property, it will prevent unauthorized people from using the State property and deter damage to the remaining legal structures. At this time a long-term disposition is not appropriate.

AGENCY COMMENTS :

A request for comment was solicited from the following agencies:

Agency	Comments
State - Department of Health.	In the event of Demolition to structures, noise, dust and rodent concerns should be dealt with in accordance to DOH standards.
DLNR – Historic Preservation	No response
County of Kauai – DWS	No objections
County of Kauai – Planning	No response
County of Kauai – Public Works	No objections
Office of Hawaiian Affairs	No objections
Office of Conservation & Coastal Lands	No comment received

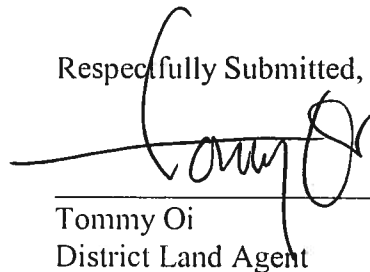
The proposed use has continued since 1973 and will continue in this urban residential location. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

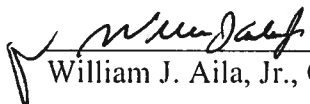
2. The applicant shall at there own cost hire a License Land Survey to determine and report on any setback violation on the subject property.
3. Authorize the issuance of a revocable permit to Donna Nunes-Hoopii covering the subject area for residential purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - d. The applicant Donna Nunes-Hoopii must reside at the subject property for the duration of this permit, to meet the designated character of use, which is described as Residential Purposes.

Respectfully Submitted,



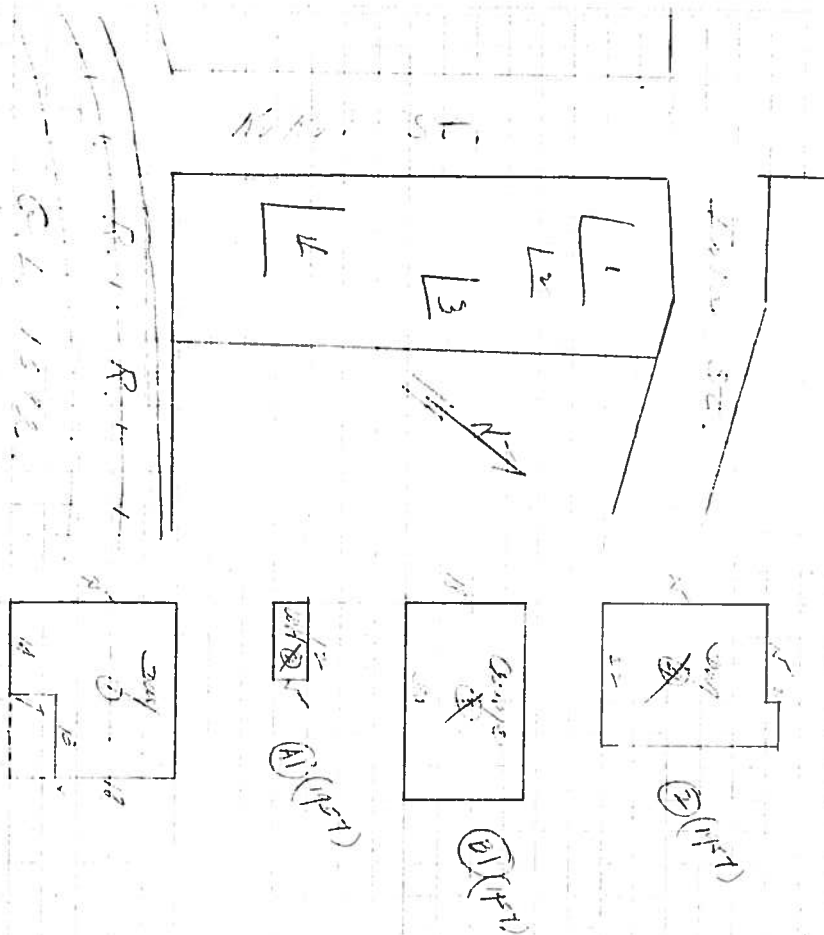
Tommy Oi
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

1	DWG	1	3	4	wd	Fr	SW	wd	CI	B&B	Stock	Pine	c
2	WH	1	3	1	"	"	"	Cn	Sh	"	-	Cn	
3	Gar	1	3	1	"	"	"	wd	"	"	Stock	Dt	
4	DWG	1	3	4	"	"	SWDB	"	"	"	Pine	Pine	c



~~WONG HUNG WAH~~
~~Wong Heng~~ (TH)

82754 G.L. 2802 Lot 4 B.I.G. KAPOA TOWN

4

5

11

10

Kwek Hing Young
(TH) 1/1/74/23

82754 Lot 4, Block 6, KAPOA TOWN - G.L. 2801

KAPAA, KAUAI

0347

827547

1941 248-

1939
NONE

1940
NONE

1941
NONE

1 675
2 60
3 540
4 564

1 35 911
60 36
50 270
2 50 1415

13 11 35
12 11 40
12 11 40
12 11 40

5
5
5
5

1938
319
39
127
566

1939
273
13
94
495

1940
228
11
81
424

1941
162
NV
67
354

1051

875

744

EXHIBIT "B2"

EXHIBIT "B3"

ZONE	SFC	PLAT	PARCEL	NO	SYMBOL	U. F. V.	FRONT	RATIO	DEPTH	LOT	AREA	1945 VAL	U. F. V.	1952 VAL	U. F. V.	1956 VAL	U. F. V.	1960 VAL
4	5	11	10															
1		284									5275.4	248						
2		55	12419						150.4		5275.4		1200	8200	11607	957		
3		21																20.44 1672
4																		1976
5																		
6																		
7																		
8																		
9																		
10																		
11																		
12																		
13																		
14																		
15																		
16																		
17																		
TOTALS																		
YEAR	1945	YR	1946	YR	1947	YR	1948	YR	1949	YR	1950	YR	1951	YR	1952	YR	1953	YR
AREA		AR		AR		AR		AR		AR		AR		AR		AR		AR
LAND VALUE		L		L		L		L		L		L		L		L		L
IMPROVEMENT		I		I		I		I		I		I		I		I		I
TOTAL		T		T		T		T		T		T		T		T		T
LESS EX.		EX		EX		EX		EX		EX		EX		EX		EX		EX
NET TAX VALUE		N T		N T		N T		N T		N T		N T		N T		N T		N T
TAXES																		
YEAR	1954	YR	1955	YR	1956	YR	1957	YR	1958	YR	1959	YR	1960	YR	1961	YR	1962	YR
AREA		AR		AR		AR		AR		AR		AR		AR		AR		AR
LAND VALUE		L		L		L		L		L		L		L		L		L
IMPROVEMENT		I		I		I		I		I		I		I		I		I
TOTAL		T		T		T		T		T		T		T		T		T
LESS EX.		EX		EX		EX		EX		EX		EX		EX		EX		EX
NET TAX VALUE		N T		N T		N T		N T		N T		N T		N T		N T		N T
TAXES																		



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 23, 2011

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of revocable permit to Donna Nunes-Hoopii for residential purposes

Project / Reference No.: PSF# 11KD-019

Project Location: Kapaa, Kawaihau, Kauai
TMK: (4) 4-5-011:010

Project Description: Month-to-Month Revocable Permit for Residential Purposes

Chap. 343 Trigger(s): Use of State Land

Exemption Class: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states: "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Item # 5, that states "Routine and emergency repair and restoration of existing structures and facilities on state lands involving negligible or no expansion or change of use beyond that previously existing."

Consulted Parties: Kauai County Planning Department: Zoning Inspector,
Les Milnes.

The proposed use has continued since 1973 and will continue in this urban residential location. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Recommendation:

The Board is recommended to find that it is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila Jr., Chairperson

9/7/11

Date